



The City of West University Place

A Neighborhood City

CITY COUNCIL

Bob Fry, Mayor
Susan Sample, Mayor Pro Tem
Ed Heathcott, Councilmember
Joan Johnson, Councilmember
Dick Yehle, Councilmember

STAFF

Michael Ross, City Manager
Alan Petrov, City Attorney
Thelma Lenz, City Secretary

CITY COUNCIL MEETING MINUTES

The City Council of the City of West University Place, Texas, met in special and regular sessions on **Monday, July 23, 2012**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **5:00 p.m.**

SPECIAL WORKSHOP (BEGINNING AT 5:00 IN THE CONFERENCE ROOM)

Call to Order. Mayor Fry called the workshop to order at 5:00 p.m. Council and staff in attendance were: Mayor Pro Tem Sample (arrived at 5:20 p.m.), Councilmembers Heathcott, Johnson and Yehle, City Manager Ross, City Attorney Petrov (arrived at 5:15 p.m.), City Secretary Lenz, ACM/Public Works Director Peifer, and Police Chief Walker.

Also in attendance were Rick Staigle of Traffic Engineers, Inc., and Bob Treacy of C-CBS (Benefits Consultants).

Workshop agenda items were as follows:

1. On-Street Parking

Matters related to on-street parking.

City Manager Ross presented and stated that this workshop is to discuss the results of City Council's feedback from the street parking presentation held on June 25.

Mr. Ross stated that as staff reviewed Council directives produced from the meeting, it was found noteworthy to mention that the issues discussed were brought forth via public commentary and not by staff or emergency responders. He said the public's perception was that there was a public safety problem for responses to individual addresses on some streets. He said he and the fire and police chiefs have had ample discussions regarding this issue and said they have no public safety concern on any street at this point in time and believes the issues need to be addressed from that perspective.

Mr. Ross then reviewed the following recommendations based on input from residents and City Council:

1. Do not proceed with on street parking restrictions since there is no public safety issue being brought forward by emergency responders.
2. In the future, on a case by case basis, respond to street parking complaints by communicating with potentially impacted residents of a block on a street to determine if

there is a problem to them; and if a super-majority agrees, there should be a solution studied before proceeding with a study.

3. Enact a Parking Etiquette Program using the shared resources of the Public Works Code Enforcement division along with Police enforcement. The plan would be to begin with a gentler, friendlier approach and then escalate the enforcement activities to the point of formal warnings and ultimately citations for the repeat violators. This would eliminate affecting non-violators, avoid sign pollution, eliminate causing a problem which may not exist as an unintended consequence, and avoid the No Parking restrictions cost which may be in excess of \$100,000.00.
4. Provide guidance to Staff on the continued enforcement of cars parked on driveways over sidewalks where the vehicle cannot physically fit between the garage door and the sidewalk without blocking the sidewalk.

Mr. Ross said Item 4 has come up periodically over time and said parking over sidewalks has always been a problem in West U as it is in many cities. He said a previous Council asked staff to come up with a compromise solution for residences with short driveways and at that time it was staff's recommendation that vehicles that are parked on their driveways that cannot physically fit without blocking the sidewalk are considered to be legally parked. He said many residents do not think the City should have that caveat, but it is the way staff has been handling the parking of cars on short driveways and said staff welcomes the guidance from Council if it has any desire to change it.

After Mr. Ross' presentation, Council provided the following comments regarding each of the recommendations:

Councilmember Heathcott stated:

- He thinks that a lot of what is causing heartburn is an etiquette issue, so believes it is a good idea if there is something Council can do to educate and create awareness for good etiquette.
- At this point in time, there is a concern by a certain percentage of the residents that what we have right now is not desirable and thinks staff should find an approach that would improve the traffic flow on narrower streets. He suggested a sample project, where a program is implemented to park on one side of the street in certain areas, which he thinks would eliminate the problem. He said the purpose for this as a pilot program would be to see if it would improve the traffic flow and to see if the City can improve a less than desirable situation.
- Ultimately, he thinks parking on one side of the street and to make the streets one-way would solve the problem. He said it would cause a level of inconvenience, but is that level of inconvenience more than the inconvenience being had now, plus the risk of damaging vehicles.

Councilmember Johnson stated:

- The approach with the super-majority is a good idea, but asked what percentage makes up a super-majority. Councilmember Ross responded 66 percent (two-thirds) of the residents as opposed to 50 percent +1. Councilmember Johnson said that 66 percent seems too high, but 50 +1 seems too low and suggested somewhere in between.
- For her, if it's an issue on her street, she would talk to the other residents to see if it's an issue for them, too.

- She hears that it is not a safety issue and hopes if one day the fire truck can't get through, the firemen barrel down the street, because, although it may not be an issue, it's a factor.
- If the super-majority of residents on a street go to staff and request something be done about parking on their street (i.e. parking on side), then that's when staff needs to look at it. Mr. Ross responded that staff would plan to contact all the residents on a particular block as its first step to inform that the issue has been brought forward and the City wants to find out your perception and see if you think the City needs to find a solution.
- She agrees with having an etiquette program, but stated she would like staff to put some kind of flyers on cars sitting on the streets to say "you really aren't being nice to your neighbors...can you find a solution" or something like that. She said, however, she doesn't want the police distributing the flyers.
- The last thing she wants to do is give people tickets to cause them to park on the street, so her preference would be to not ticket the people with short driveways, but definitely enforce it on long driveways, which Mr. Ross stated staff is currently doing.

Councilmember Yehle stated:

- One of the things Council heard at the public hearings is people saying that they had a certain problem and they worked it out, so he thinks if the super-majority is willing to do something, they can work it out and don't need the City to do anything.
- He is unenthusiastic about having a variety of different parking solutions all over town.
- He doesn't think one-way streets are the solution. He said one of the things residents have said is that they are not particularly enthusiastic about having accelerated traffic by making it easier for traffic to move faster, which, in part, one-way streets, facilitate.
- A possible solution is creating a single track road where they carve out passing points. He said there are basically no passing points and thinks that with some strategic limited "no parking areas" mid block, passing areas can be created to facilitate the flow of cars going in both directions.
- He thinks sidewalk parking is just wrong. He said residents should use two car garages to put two cars in them, but he suspects that in most of the situations where the car is blocking the sidewalk, it's because the garage is full with something other than cars. He said have an alternative to parking on sidewalks, which is to clean their garages and utilize it for their cars.
- He thinks the City should have absolute enforcement of the law for cars parking across sidewalks, including the short ones.
- He thinks the City also needs to enforce the 72-hour rule.

Mayor Pro Tem Sample stated:

- She agrees with enforcing the 72-hour rule.
- As a sidewalk user, she thinks the City's sidewalks are wonderful and thinks residents should have a straight shot on the sidewalks without having to go out into the street to maneuver around a car, so she thinks the ban of parking across City sidewalks should be enforced, even if the sidewalks are too short.
- She is not for a hodgepodge of different regulations on different streets, but if there is a super-majority of residents on a particular block and they want to come before Council to speak on it, she definitely feels there should be Council flexibility to do something about that block. She said residents could first try to talk with their neighbors, which usually solves the issue 90-95% of the time, but when it doesn't, Council needs the flexibility to hear their case.

Councilmember Yehle added that he agrees with Mayor Pro Tem Sample, but one of his concerns is transporting one street's problem to another block when people start blocking around the corner to solve the problem on their street.

Mayor Fry stated:

- Staff has informed Council that this is not a public safety issue, which is the primary purpose of government, so if this is not a public safety issue, he does not want to over-legislate people's lives, which is why he is against doing something throughout the entire City.
- This is an etiquette issue and thinks the approach of giving citizens a friendly reminder that it's an etiquette issue is worth trying.
- He likes the idea that if the super-majority of a block thinks they have a problem, then the City should have a process of dealing with that situation.
- He is definitely not about to go telling people they need to clean out their garages or they'll receive a ticket.
- He said according to survey results and comments from the public, there is no ground swell to do anything, even on the 24-foot streets, so he doesn't see the need to do anything at this time, but he does like the idea of code enforcement.
- Thinks staff has come to a very common sense approach.

Councilmember Yehle suggested that if it is a consensus not to enforce parking over sidewalks then those people who block the sidewalks should get the etiquette letter explaining that, though it may be tolerated, it's not appreciated.

After further discussion, Council Heathcott moved to maintain the City's current policy on allowing short driveways to have cars parked so that they will partially block the sidewalk, continuing the current policy. Councilmember Johnson seconded the motion. **MOTION FAILED.**

Ayes: Heathcott and Johnson
Noes: Fry, Sample and Yehle
Absent: None

Councilmember Yehle moved that enforcement with regards to parking over sidewalks, regardless of where the situation occurs. **Motion failed for lack of second.**

Councilmember Heathcott moved that Council have additional discussion or a possible pilot program for parking on one side of the street for streets that are 24-foot wide and narrower.

Mayor Fry said he doesn't believe a motion is needed for that.

Councilmember Heathcott said the purpose of the motion is to give staff direction on what the consensus of Council is.

Motion failed for lack of second.

To confirm the direction Council wants staff to take, Mayor Fry said Council would like staff to develop a public information program.

Mayor Fry asked staff to provide Council with statistics on the 72-hour rule.

Mr. Ross confirmed with Council that they are in agreement with the recommendations as submitted by staff, that the super-majority will be based on two-thirds, and that a block of property owners can only bring forth a request for a study of their block once a year.

2. Employee Benefits

Matters related to employee group benefits (medical, dental, vision, life/AD&D).

Human Resources Director Standorf and Bob Treacy with C-CBS presented this item and said the City had a great opportunity to join into an Interlocal Agreement with three other cities to reduce our rates across the board and it gives the City the possibility of stabilizing those rates long term so the City won't experience the peaks and valleys sometimes experienced based on claims.

Ms. Standorf then briefly explained the Employee Benefits Trusts for the purpose of educating new members of Council.

Mayor Pro Tem Sample asked if the City will have a choice of an HMO versus a PPO. Ms. Standorf responded that we currently have that option, but the platform with the new contract is for a PPO only and is better than the dual option.

Mayor Pro Tem Sample said she has worked for government and private and they always offer the Kelsey option which is so much cheaper for the employees and the company, so she doesn't understand why it is not being offered. Ms. Standorf responded that Kelsey chose not to provide an offer this year during the RFP process.

Mayor Fry said it is great to see staff coming to Council with an optimistic proposal rather than what he's seen in the last four years.

Mr. Treacy said his company represents 38 governmental entities across Texas and he will not be passing this kind of good news to any of them. He said the City's claims costs have dropped almost 40 percent, which he contributes to the vision to change the culture that the city manager and HR Director began five years ago. He said West U is cutting edge and he commends staff.

At this time, 6:00 p.m., Mayor Fry recessed the workshop and convened into executive session to discuss Items 3 and 4 in accordance with Section 551.071 (Consultation with legal counsel to seek or receive legal advice or consultation regarding pending or contemplated litigation) and Section 551.072 (discussion about the value or transfer of real property and other real estate matters) of the Open Meetings Act, Chapter 551, of the Texas Government Code.

In attendance for executive session were Council, City Manager Ross, City Attorney Petrov, City Secretary Lenz, and Assistant City Manager/Public Works Director Peifer. Marshall Clinkscales, Realtor, was also present for Item 4 only.

3. METRO General Mobility Funding

Matters related to METRO General Mobility Funding.

4. Westpark Property Lease Agreement

Matters related to the 1.0874 acres of City-owned property on Westpark, between Wakeforest Street and Dincans Street.

At 6:28 p.m. Mayor Fry closed the executive session and reconvened the workshop.

5. Adjourn Workshop

At 6:28 p.m., Councilmember Johnson moved to adjourn the workshop. Councilmember Heathcott seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

REGULAR MEETING (beginning at 6:30 p.m. in the Council Chambers)

Agenda items were as follows:

Call to Order. Mayor Fry called the meeting to order at 6:34 p.m. Council and staff in attendance were: Mayor Pro Tem Sample, Councilmembers Johnson, Heathcott, and Yehle, City Manager Ross, City Secretary Lenz, City Attorney Petrov, ACM/Public Works Director Peifer, and Police Chief Walker.

Pledge of Allegiance was recited.

6. Recess Regular Meeting to Convene a Meeting of Employee Benefits Trust (EBT)

At 6:35 p.m., Mayor Fry recessed the regular meeting and convened into a meeting of the Employee Benefits Trust. See ETB Minutes for action taken.

7. Adjourn Employee Benefits Trust Meeting and Reconvene into Regular Council Meeting

At 6:40 p.m., Councilmember Yehle moved to adjourn the EBT meeting. Mayor Pro Tem Sample seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

Mayor Fry reconvened the regular meeting of the City Council.

8. Interlocal Agreement for Medical and Dental Insurance

Matters relating to authorizing the city manager to execute an Interlocal Agreement with the cities of Friendswood, Webster, and Dickinson for the purchase of medical and dental insurance.

Councilmember Yehle moved to authorize the city manager to execute an Interlocal Agreement with the cities of Friendswood, Webster, and Dickinson for the purchase of medical and dental insurance, for thirteen months beginning September 2012. Councilmember Heathcott seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

9. Transfer of Funds to Employee Benefits Trust

Consideration and action on authorizing the transfer of funds from the City of West University Place to the City of West University Place Employee Benefits Trust to pay for employee-related benefits.

Councilmember Yehle moved to authorize the continued transfer of funds on a monthly basis from the City of West University Place to the City of West University Place Employee Benefits Trust

beginning with the September 2012 contribution. Councilmember Johnson seconded the motion.
MOTION PASSED.

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

10. Public Comments

There were no public comments.

11. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Minutes

Approve City Council Minutes of June 25, 2012 and the July 12, 2012 Minutes of the Joint Meeting of the City Council and the Charter Review Committee.

B. Memorandum of Understanding with City Houston

Matters related to a Memorandum of Understanding with City of Houston Voucher Program for Household Hazardous Waste.

Councilmember Yehle requested to remove item (b) from the consent agenda for further discussion.

Councilmember Johnson moved to approve the Consent Agenda with the exception of item (b). Councilmember Heathcott seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

In regards to Item (b), Councilmember Yehle said the third paragraph of the MOU states "the program allows residents' use of the Westpark and South Post Oak facility at no direct cost to the resident at the time of the visit." He asked if that means when the resident goes to the facility.

ACM/Public Works Director Peifer responded, yes, they will have a voucher which they will give to the attendant at the facility.

Councilmember Yehle asked how does staff intend to administer the 150 vouchers. Mr. Peifer said it will be on a first come, first serve basis.

Councilmember Yehle asked if one individual is allowed more than one voucher. Mr. Peifer said the program is per visit, so if a resident comes back 20 times and there are vouchers still available, then they will probably receive one each time they come. He said the only mandate is that they be for residential use and not commercial and not for the demolition of an existing home. He said staff will work on a procedure to limit the number of vouchers a person can receive.

In response to Councilmember Johnson's concern as whether there is plan in place to let citizens know about the program, Mr. Peifer responded yes.

Councilmember Yehle moved to approve the Memorandum of Understanding for household hazardous waste, disposal services with the City of Houston. Mayor Pro Tem Sample seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None

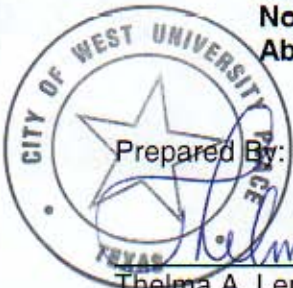
12. Reports by Council/Staff

There were no Council or staff reports.

13. Adjourn

At 6:45 p.m., Mayor Pro Tem Sample moved to adjourn the meeting. Councilmember Heathcott seconded the motion. **MOTION PASSED.**

Ayes: Fry, Sample, Heathcott, Johnson, Yehle
Noes: None
Absent: None



Prepared By:

Thelma A. Lenz, City Secretary

August 13, 2012
Date Approved